IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.5614 OF 2004

Shankar Maruti Temkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Ajaykumar S.Tripathi for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 27, 2005.

P.C.

1. Perused the explanation offered by the Section Officer dated 25th January 2005. Even if the concerned Officer is overburdened with work, it is unimaginable as to how the mistake of passing of the paper-book in the form which has been placed before the Court can have escaped the attention of any Officer, though the file is required to be processed by more than one Officer. The Registrar (Judicial) to issue instructions to all concerned

that in future it may be ensured that the paper-book which is presented before the Court at the time of hearing is in proper form, and if such mistake is noticed in future, the same will be viewed seriously.

2. Heard Counsel for the parties. perused the record. I see no reason to depart from the conclusion reached by the Court below while rejecting the Bail Application preferred by the Applicant. The Applicant has been identified by the witnesses and was seen accompanying the co-accused, from whom, incriminating material has been recovered.

3. Having regard to the seriousness of the offence and the material on record to indicate the complicity of the Applicant in the commission of crime, not a case for bail. The co-accused who have been enlarged on bail by this Court obviously have played different roles. Insofar as those accused are concerned, the allegation is that they were party to the conspiracy and not involved in the actual commission of the offence, nor any

incriminating material has been recovered from them. Hence, dismissed.

4. The Sessions Court, Nasik is directed to assign the case to the Fast Track Court, if already not done, so as to ensure early disposal of the trial.

5. The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be taken into account if and when the occasion arises.

6. Application disposed of on the above terms.

A.M.KHANWILKAR, J.